



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

April 13, 2004

Kianoush Amini
455 Washington Street
Brighton, Massachusetts 02135

**NOTICE OF PERMIT
REVOCATION – PR # 04-002**

RE: EXETER, EXETER PETROLEUM, EXISTING UNDERGROUND STORAGE TANK
FACILITY (UST # M-0110947) (DES # 199409072)

Dear Mr. Amini

On April 10, 2003 representatives of the New Hampshire Department of Environmental Services, Waste Management Division ("DES") visited the above-referenced petroleum underground storage tank ("UST") facility and conducted an inspection to determine the facility's operational compliance with the requirements of NH Admin. Rules Part Env-Wm 1401 Underground Storage Facilities. A written description of the deficiencies noted during the inspection was provided at the time of the inspection and you were given 45 days to correct the deficiencies and notify DES, in writing, that the facility is in compliance.

On July 23, 2003, due to failure on your part to correct the noted deficiencies and submit the required notification, DES issued you a **Notice of Non-Compliance Permit Revocation Number NCPR # 03-004** ("the Notice"). The Notice required that you attain compliance by October 21, 2003 or forfeit your Permit-to-Operate this UST facility. The Notice also provided you with an opportunity for appeal to the Waste Management Council.

As of this date, DES has not received notification that the facility has been returned to a compliance status nor has the Waste Management Council received a request to appeal the Notice. **Therefore, as of April 13, 2004 your Permit-to-Operate the subject UST facility has been revoked. No product may be delivered to the facility, nor shall any product be sold or used from this facility as of the receipt of this letter. Further, all product must be removed from the USTs at this facility within 30 days of the date of this letter.**

In addition, NH Administrative Rules Part Env-Wm 1401.10(a) requires owners of underground storage facilities for oil to maintain financial responsibility for costs associated with cleanup of releases from systems, the implementation of corrective measures, and compensation for third party damages in the amount equal to or greater than \$1,000,000 per occurrence. Env-Wm 1401.10(c) provides that the financial responsibility requirement may be satisfied if the owner is eligible for reimbursement of costs associated with cleanup of releases from the Oil Discharge and Disposal Cleanup Fund ("the Fund"). Eligibility for the Fund is contingent upon achieving and maintaining compliance with statutory (RSA 146-C) and regulatory (Env-Wm 1401)

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requirements. Because this facility no longer has a valid Permit-to-Operate, due to non-compliance with the regulatory requirements, the Fund is no longer available to you if a release were to occur. Once facility compliance has been attained, the Fund will again be available to satisfy your financial responsibility requirement.

Failure to comply with the requirements noted above will result in administrative fines and/or civil penalties, and referral to the New Hampshire Department of Justice for injunctive relief.

If there are any questions concerning the above, please contact Lynn A. Woodard, P.E. at the Waste Management Division at (603) 271-1165 or at lwoodard@des.state.nh.us.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'A. Giunta', is written over the word 'COPY'.

Anthony P. Giunta, P.G.

Director

Waste Management Division

CERTIFIED MAIL # 7000 1670 0000 0585 2238

CC: Michael P. Nolin, Commissioner
Mark Harbaugh, DES Legal Unit
Fred McGarry, P.E., Chief Engineer, WMD
George Lombardo, P.E., WMD
Lynn Woodard, P.E., WMD
Tom Beaulieu, WMD
Mark Antonia, WMD
Health Officer, Town of Exeter